IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4133 of 2005

Between:

1 Nellore Hazarath, s/o Seshaiah,
R/o Pallipalem, Padamatipalem, Sangam Mandal,

Nellore District.
2 Appagunta Venkata Ramanaiah, s/o Subbaiah,
R/o Pallipalem, Padamatipalem, Sangam Mandal,

Nellore District.
3 Kurugunta Rajini, w/o Krishna Reddy,
R/o Pallipalem, Padamatipalem, Sangam Mandal,

Nellore District.

..... PETITIONERS

AND

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1 The District Collector, Nellore.
2 Revenue Divisional Officer, Nellore.
3 The Mandal Revenue Officer, Sangam Mandal, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a writ of mandamus under Article 226 of the Constitution of India, declaring the action of the respondent in not considering the application dated 25-04-2004 submitted by the petitioners 1 to 3 herein before the 3rd respondent for assignment of 50 cents, 70 cent and 50 cents of land comprised in Survey No.651, Pallipalem, Padamatipalem, Sangam Mandal, Nellore District respectively and further action of respondents in seeking to dispossess the petitioners from the said extents which are necessary for convenient enjoyment of small extents of patta land is illegal, arbitrary, unjust and violative of Board Standing Orders 15 and consequently direct the respondents to consider the application submitted by the petitioners and assign the said extents in their favour.

Counsel for the Petitioners: MR.P.SRIDHAR REDDY

Counsel for Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners claim to be the landless poor persons. It is stated that they are the absolute owners of small extents of patta land situated in Sy.No.675-B of Padamatipalem village, Sangam Mandal, Nellore District. It is also stated that adjacent to the said land, in Sy.No.651 there is an open land, which belongs to the Irrigation Department. Since it is an adjacent land, the petitioners have brought an extent of Acs.0.70 cents out of the said land under cultivation and have been in continuous possession and enjoyment of the said land for the last several years. It is claimed that under sub-paragraph 5 of paragraph-10 of the Board Standing Order

15, the petitioners are entitled to assignment of the said land among other landless poor persons. Accordingly, they made an application to the respondents on 25.4.2004 requesting them to grant assignment in respect of the said Acs.0.70 cents of land. The grievance of the petitioners is that their application has not been considered by the respondents, and in the meanwhile, there is imminent threat of dispossession. Hence, this writ petition.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue, and having perused the material on record, the writ petition is disposed of with a direction to the respondents to consider the representation dated 25-4-2004 submitted by the petitioners, in terms of paragraph-10 of the Board Standing Order 15, and pass appropriate orders within a period of four weeks from the date of receipt of this order. Till such time, status quo obtaining as on today as to the nature and possession of the land in question shall be maintained. However, it is made clear that this court has not expressed any opinion as to the entitlement of the petitioners for assignment of the land in question.

Accordingly, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

3rd March, 2005

Note: CC by Monday.

B/o

Js.

To

1 The District Collector, Nellore.
2 Revenue Divisional Officer, Nellore.
3 The Mandal Revenue Officer, Sangam Mandal, Nellore.

4 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.